



UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 25 2004

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Kathleen L Choi
Townsend and Townsend and Crew LLP
Two Embarcadero Center 8th fl
San Francisco CA 94111-3834

In re Application of:
Attarian et al.
Serial No.: 09/747,385
Filed: December 22, 2000
Attorney Docket No.: 2307E-099810US

DECISION ON PETITION TO
WITHDRAW THE HOLDING
OF ABANDONMENT

This is in response to applicants' petition under 37 CFR § 1.181(a) filed on October 8, 2004, requesting withdrawal of the holding of abandonment based on the timely filing of a response to the Office action mailed October 7, 2003.

A review of the file history shows that the examiner most recently mailed a non-final Office action to applicants on October 7, 2003, setting a three-month statutory time period for reply. On August 24, 2004, the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action.

Applicants state that a response to the Office action was timely filed on April 7, 2004 via first class mail. A Certificate of Mailing dated April 7, 2004 was included with the submission, along with the appropriate Petition for extension of Time. This response was received by the USPTO on April 12, 2004 as evidenced by a copy of the date-stamped receipt card. Applicants also provide a copy of the response to the Office action with the petition. In view of this evidence, applicants are considered to have submitted a timely reply.

Applicants' petition is **GRANTED**. The application is restored to pending status with the mailing date of this decision and will be forwarded to the examiner for consideration of the response of April 7, 2004.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Bruce Kisliuk
Director, Technology Center 1600